

**ORDINANCE NO. 2019-08-043**

**AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 9.5, ARTICLE II**

**(Raffles/2019)**

**WHEREAS**, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

**WHEREAS**, Public Act 101-0109, which was adopted by the 101st Illinois General Assembly and took effect on July 19, 2019, amended the Raffles and Poker Runs Act (230 ILCS 15/1 *et seq.*) to allow raffle chances to be sold throughout the State, including beyond the borders of the licensing municipality, and to change other provisions of the Act concerning the conduct of raffles; and

**WHEREAS**, the City Council heretofore has enacted Urbana City Code Chapter 9.5, Article II, to regulate raffles within the City; and

**WHEREAS**, the City Council, after due consideration, finds that amending said Article to establish regulations in conformity with Public Act 101-0109, as hereinafter provided, will protect the public health, safety, and welfare; and

**WHEREAS**, the City Council desires to make certain other changes to Urbana City Code Chapter 9.5, Article II, to modernize the language, concepts, and definitions contained therein, to delete obsolete provisions, and to clarify the Article; and

**WHEREAS**, the City Council heretofore has enacted Urbana City Code Section 14-7 to establish a schedule of fees for the various licenses, permits, fines, and other fees required under the Urbana City Code; and

**WHEREAS**, the City Council, after due consideration, further finds that making limited amendments to that schedule of fees as herein provided, pursuant to Urbana City Code Section 14-7(b), will protect the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Urbana, Illinois, as follows:

**Section 1.**

Urbana City Code Chapter 9.5, "Games of Chance," Article II, "Raffles," is hereby amended and as amended shall read as set forth in Exhibit "A," which is attached hereto and incorporated herein by reference.

**Section 2.**

Urbana City Code Chapter 14, "Licenses and Permits," Section 14-7, "Schedule of fees," Subsection (B), "General," Part 4, "Miscellaneous," Subpart (c), "Raffles," is hereby amended and as amended shall read as follows:

(c) Raffles:

1. Total retail value of all prizes or merchandise to be awarded exceeds twenty-five thousand dollars (\$25,000.00)..... \$ 150.00
2. Total retail value of all prizes or merchandise to be awarded exceeds five thousand dollars (\$5,000.00) but does not exceed twenty-five thousand dollars (\$25,000.00)..... \$ 25.00
3. Total retail value of all prizes or merchandise to be awarded does not exceed five thousand dollars (\$5,000.00) ..... \$ 10.00

**Section 3.**

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

**Section 4.**

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

**Section 5.**

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

**PASSED BY THE CITY COUNCIL** this 19<sup>th</sup> day of August, 2019.

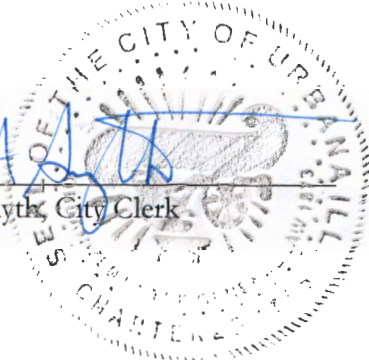
AYES: Brown, Hazen, Miller, Wu

NAYS:

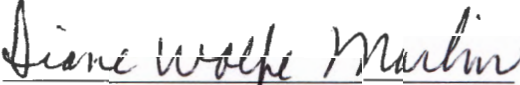
ABSTENTIONS:



Charles A. Smyth, City Clerk



**APPROVED BY THE MAYOR** this 20<sup>th</sup> day of August, 2019.



Diane Wolfe Martin, Mayor

## Exhibit A

### Urbana City Code Chapter 9.5 Article II – Raffles

#### Sec. 9.5-20. - Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

*Key location* shall mean the location where the winning chances in the raffle are determined.

*Law enforcement agency* shall mean an agency of this state or unit of local government that is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances.

*Net proceeds* shall mean the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other operating expenses incurred as a result of operating a raffle.

*Non-profit or not-for-profit organization* shall mean an organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as the result of the operation.

*Raffle* shall mean a form of lottery, as defined in Section 28-2(b) of the Criminal Code of 2012, now or hereafter as amended, conducted by an organization licensed under this article, in which:

- (1) The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one (1) or more of which chances is to be designated the winning chance; and
- (2) The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

#### Sec. 9.5-21. - License required.

No person or organization shall conduct a raffle in which the city is a key location without having first obtained a license therefor pursuant to this article.

#### Sec. 9.5-22. - Eligible organizations.

Licenses under this article shall be issued only to the following:

- (a) Bona fide not-for-profit organizations that operate without profit to their members, which have been in existence continuously for a period of five (5) years immediately before making application for a license under this article, and which have during that entire five-year period been engaged in carrying out their objective;

- (b) A nonprofit fundraising organization that is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as a result of an illness, disability, accident or disaster;
- (c) Law enforcement agencies and statewide associations that represent law enforcement officials; or
- (d) Any other organization authorized to receive a raffle license in accordance with the Raffles and Poker Runs Act, 230 ILCS 15/0.01 *et seq.*, as amended.

Sec. 9.5-23. - Maximum value of prizes.

The retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed one million dollars (\$1,000,000).

Sec. 9.5-24. - Licensing procedure and fee.

- (a) Except as provided in subsection (b), Chapter 14, “Licenses and Permits,” of this Code shall govern the licensing of raffles.
- (b) Sections 14-8 and 14-11 of this Code shall not apply to the licensing of raffles.
- (c) The amount of the license fee shall be as prescribed in section 14-7 of this Code.

Sec. 9.5-25. - Application for license.

- (a) Application for the license to conduct a raffle under this article shall be submitted to the city clerk on forms provided by the city clerk for that purpose. The license application must contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization, signed by the presiding officer and the secretary of that organization and attesting to the following:
  - (1) Such organization is eligible to be issued a license pursuant to this article.
  - (2) The entire net proceeds of the proposed raffle will be exclusively devoted to the lawful purpose of the organization seeking the license; and
  - (3) No person except a bona fide director, officer, employee, or member of the sponsoring organization shall manage or participate in the management or operation of the raffle; and
  - (4) No person shall receive any remuneration or profit for managing or participating in the management or operation of the proposed raffle.
  - (5) All tickets or chances shall contain the number of the license issued by the city pursuant to this article.
- (b) The license application shall set forth the following information:

- (1) Name and address of the person applying for the license on behalf of the organization;
  - (2) The position or representative capacity of such person;
  - (3) The full name, address, telephone number, and email address of the organization;
  - (4) A name and telephone number of a responsible member of the organization who may be contacted at all times;
  - (5) The location or locations at which winning chances will be determined;
  - (6) The time period during which raffle chances will be sold or issued;
  - (7) The time or times of determination of winning chances;
  - (8) The amount charged for each chance;
  - (9) The number of raffles to be conducted in a one-year period.
- (c) The city clerk shall act on a license application within 30 days from the date of application.

Sec. 9.5-26. - Ineligibility.

The following are ineligible for any license under this article:

- (a) Any person whose felony conviction will impair the person's ability to engage in the licensed position;
- (b) Any person who is or has been a professional gambler or professional gambling promoter;
- (c) Any person who is not of good moral character;
- (d) Any organization in which a person defined in subsections (a), (b) or (c) has a proprietary, equitable, or credit interest, or in which such person is active or employed;
- (e) Any organization in which a person defined in subsections (a), (b) or (c) is an officer, director, or employee, whether compensated or not;
- (f) Any organization in which a person defined in subsections (a), (b) or (c) is to participate in the management or operation of a raffle as defined in this article.

Sec. 9.5-27. - Conduct of raffles; tickets; advertisements.

The conducting of raffles is subject to the following restrictions:

- (1) The entire net proceeds of the raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

- (2) No person except a bona fide director, officer, employee, or member of the sponsoring organization may manage or participate in the management of the raffle. No person may receive any remuneration or profit for managing or participating in the management of the raffle. Sponsoring organizations may contract with third parties who, acting at the direction of and under the supervision of the sponsoring organization, provide bona fide services to the sponsoring organization in connection with the operation of a raffle and may pay reasonable compensation for such services. Such services include the following: (a) advertising, marketing and promotion; (b) legal; (c) procurement of goods, prizes, wares and merchandise for the purpose of operating the raffle; (d) rent, if the premises upon which the raffle will be held is rented; (e) accounting, auditing and bookkeeping; (f) website hosting; (g) mailing and delivery; (h) banking and payment processing; and (i) other services relating to the operation of the raffle.
- (3) A licensee may rent a premises on which to determine the winning chance or chances in a raffle provided that the rent is not determined as a percentage of receipts or profits from the raffle.
- (4) Raffle chances may be sold throughout the State, including beyond the borders of the city.
- (5) A person under the age of eighteen (18) years may participate in the conducting of raffles or chances only with the permission of a parent or guardian. "Conducting" is defined as directing the performance or execution of raffles or chances, including the selling of raffle or chance tickets. A person under the age of eighteen (18) years may be within the area where winning chances are determined only when accompanied by a parent or guardian.
- (6) All bills, billboards, placards or other advertisements shall contain the name of the organization conducting the raffle;
- (7) All tickets or chances shall contain the number of the license issued by the city pursuant to this article.
- (8) A sponsoring organization shall obtain a special event permit whenever the city determines that city resources may or must be allocated, deployed, or used in connection with any drawing in a raffle of the sponsoring organization.

Sec. 9.5-28. - Validity of license.

Each license issued pursuant to this article shall be valid for a specified number of raffles in a one-year period from the date of issuance.

Sec. 9.5-29. - Limited construction of article.

Nothing in this article shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity and device other than raffles as provided for herein.



## CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 19<sup>th</sup> day of August, 2019 the City Council of the City of Urbana passed and approved Ordinance No. 2019-08-043, entitled:

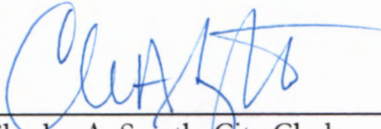
**AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 9.5, ARTICLE II (RAFFLES/2019)**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2019-08-043 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 20<sup>th</sup> day of August, 2019, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 20<sup>th</sup> day of August, 2019.



  
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Charles A. Smyth, City Clerk